#### Executive Summary – Enforcement Matter – Case No. 43091 United States Postal Service RN101223675 Docket No. 2011-2234-PWS-E

# **Order Type:**

Findings Agreed Order

#### **Findings Order Justification:**

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

Media:

**PWS** 

#### **Small Business:**

No

#### **Location(s) Where Violation(s) Occurred:**

U.S. Post Office Spring, 1411 Wunsche Loop, Spring, Harris County

## **Type of Operation:**

Public water supply

#### **Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: November 2, 2012

Comments Received: No

### **Penalty Information**

**Total Penalty Assessed:** \$3,864

Amount Deferred for Expedited Settlement: \$0
Amount Deferred for Financial Inability to Pay: \$0

**Total Paid to General Revenue:** \$3,864 **Total Due to General Revenue:** \$0

Payment Plan: N/A

**SEP Conditional Offset:** \$0

Name of SEP: N/A

# **Compliance History Classifications:**

Person/CN - Average

Site/RN - N/A

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002 and September 2011

#### Executive Summary – Enforcement Matter – Case No. 43091 United States Postal Service RN101223675 Docket No. 2011-2234-PWS-E

#### **Investigation Information**

Complaint Date(s): N/A

**Complaint Information**: N/A

Date(s) of Investigation: November 7, 2011

Date(s) of NOE(s): November 18, 2011

#### **Violation Information**

- 1. Failed to collect routine distribution water samples for coliform analysis and failed to provide public notification of the failure to collect routine samples [30 Tex. Admin. Code §§ 290.109(c)(2)(A)(i) and 290.122(c)(2)(B) and Tex. Health & Safety Code § 341.033(d)].
- 2. Failed to submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the Executive Director ("ED") each quarter by the tenth day of the month following the end of the quarter [30 Tex. Admin. Code § 290.110(e)(4)(A) and (f)(3)].
- 3. Failed to collect a set of repeat distribution coliform samples within 24 hours of being notified of a total coliform-positive result on a routine distribution coliform sample collected [30 Tex. Admin. Code § 290.109(c)(3)(A)(ii)].
- 4. Failed to collect raw groundwater source *Escherichia coli* samples from all sources within 24 hours of being notified of a distribution total coliform-positive result [30 Tex. ADMIN. CODE § 290.109(c)(4)(B)].
- 5. Failed to collect at least five distribution coliform samples the month following a coliform-positive sample result [30 Tex. Admin. Code § 290.109(c)(2)(F)].

## Corrective Actions/Technical Requirements

# **Corrective Action(s) Completed:**

N/A

# **Technical Requirements:**

The Order will require Respondent to:

- a. Within 10 days, begin complying with applicable coliform monitoring requirements by collecting routine coliform distribution samples and providing water that meets the provisions regarding microbial contaminants. This provision will be satisfied upon six months of compliant monitoring and reporting.
- b. Within 30 days:

#### Executive Summary – Enforcement Matter – Case No. 43091 United States Postal Service RN101223675 Docket No. 2011-2234-PWS-E

- i. Implement procedures to ensure all necessary public notifications are provided in a timely manner to the customers of the Facility; and
- ii. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of signed and certified DLQORs.
- c. Within 45 days, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision b.
- d. Within 90 days, begin submitting DLQORs to the ED each quarter by the tenth day of the month following the end of the quarter. This provision will be satisfied upon two consecutive quarters of compliant reporting.
- e. Within 195 days, submit written certification demonstrating compliance.

#### **Litigation Information**

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

#### **Contact Information**

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Katy Schumann, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-2602; Debra Barber, Enforcement Division,

MC 219, (512) 239-0412

TCEQ SEP Coordinator: N/A

**Respondent:** Michael R. King, Postmaster, United States Postal Service, 1411

Wunsche Loop, Spring, Texas 77373 **Respondent's Attorney:** N/A

#### Penalty Calculation Worksheet (PCW) Policy Revision 3 (September 2011) PCW Revision August 3, 2011 Assigned 21-Nov-2011 PCW 21-Dec-2011 Screening 6-Dec-2011 **EPA Due** 30-Sep-2011 RESPONDENT/FACILITY INFORMATION Respondent United States Postal Service Reg. Ent. Ref. No. RN101223675 Facility/Site Region 12-Houston Major/Minor Source Minor CASE INFORMATION Enf./Case ID No. 43091 Docket No. 2011-2234-PWS-E No. of Violations 3 Order Type Findings Government/Non-Profit Yes Enf. Coordinator Katy Schumann Media Program(s) Public Water Supply Multi-Media EC's Team Enforcement Team 2 Admin. Penalty \$ Limit Minimum \$50 Maximum \$1,000

	Penalty Calculation Section		
TOTAL BASE PENA	LTY (Sum of violation base penalties)	Subtotal 1	\$600
	tained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.		
Compliance His		tals 2, 3, & 7	\$366
Notes	Enhancement for 11 NOVs with same/similar violations and three NOVs with dissimilar violations.		
Culpability	No 0.0% Enhancement	Subtotal 4	\$0
Notes	The Respondent does not meet the culpability criteria.		
Good Faith Effo	ort to Comply Total Adjustments	Subtotal 5	\$0
Economic Bene Approx.	Total EB Amounts \$250 **Capped at the Total EB \$ Amount  Cost of Compliance \$250	Subtotal 6	\$0
SUM OF SUBTOTAL	S 1-7	nal Subtotal	\$966
	S JUSTICE MAY REQUIRE 0.0% Subtotal by the indicated percentage.	Adjustment	\$0
Notes			
	Final Pen	alty Amount	\$966
STATUTORY LIMIT	ADJUSTMENT Final Asses	sed Penalty	\$966
<b>DEFERRAL</b> Reduces the Final Assessed Pe	0.0% Reduction nalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)	Adjustment	\$0
Notes	No deferral is recommended for Findings Orders.		***************************************
PAVARI E PENALTY			\$966

61%

Screening Date 6-Dec-2011

Docket No. 2011-2234-PWS-E

Respondent United States Postal Service

Case ID No. 43091

Reg. Ent. Reference No. RN101223675

Media [Statute] Public Water Supply Enf. Coordinator Katy Schumann

Policy Revision 3 (September 2011) PCW Revision August 3, 2011

Component		Enter Number Here	Aujus
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	11	55%
8 V	Other written NOVs	3 3	6%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	<b>0</b>	0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	. 0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	Ö	0%
Audits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0 • 4	0%
	Plea	ase Enter Yes or No	
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
Other	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
	Adjustment Per	contago (Sub	total '
	Aujustment rei	centage (Sub	iotai 2
eat Violator (	(Subtotal 3)		623E-51
N/A	Adjustment Per	centage (Sub	total 3
pliance Histo	ory Person Classification (Subtotal 7)		
Average Pe	erformer Adjustment Per	centage (Sub	total ?

Compliance History Notes

Enhancement for 11 NOVs with same/similar violations and three NOVs with dissimilar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)

>> Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100%

Screening Date		Docket N	o. 2011-2234-PWS-E		PCW
Respondent Case ID No.	United States Postal Service			•	n 3 (September 2011)
Reg. Ent. Reference No.				PCW Re	evision August 3, 2011
Media [Statute]					
Enf. Coordinator	Katy Schumann				
Violation Number	1				
Rule Cite(s)	30 Tex. A	Admin. Code § 290.1	09(c)(3)(A)(ii)		
Violation Description	a <del>-</del>		on a routine distribution		
			Bas	e Penaity [	\$1,000
>> Environmental, Proper	ty and Human Health	Matrix			
	Harm	· ····································			
Release OR Actual		Minor			
OR Actual Potential			Percent 15.0%		
>>Programmatic Matrix Falsification	Major Modorato	Minor	•		
raisiication	Major Moderate	Minor	Percent 0.0%		
Matrix Failure to col	llect repeat samples could exp contaminants which would ex		<del>-</del>	detected	***************************************
					**************************************
			Adjustment	\$850	**************************************
					\$150
Violation Events					
Number of N	Violation Events 1	31	Number of violation	days	
mark only one with an x	daily weekly monthly X quarterly semiannual annual single event		Violation Base	e Penalty	\$150
	One monthly	event is recommend	ed.		
Good Faith Efforts to Com	0.0%	Reduction ( )			\$0
	Before NOV	NOV to EDPRP/Settlemen	t Offer		
	Extraordinary		_		***************************************
***************************************	Ordinary X	(mark with x)			***************************************
		······································			***************************************
	Notes The Responde	this violation	e good faith criteria for		
			Violation	Subtotal	\$150
Economic Benefit (EB) for	this violation		Statutory Limit	Test	
	ed EB Amount	\$100	Violation Final Pena		\$242
Latingt		<del></del>		_	
	This viola	tion Final Assesse	d Penalty (adjusted fo	or limits)	\$242

Violation No.	1					Percent Interest	Years of Depreciation
						5.0	Depreciation
	Item Cost	Date Required	Final Date	Yrs	Interest Saved		EB Amount
Item Description	No commas or \$					100	1014a
Delayed Costs	r .			3.2			24.2
Equipment		1 444 (18)	elektra vija	0.00	\$0	\$0	\$0
Buildings	1 (1.88-4) -1 (-71	7.0		0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land		<u> </u>	3 13 2 A 32	0.00	\$0	D/9	\$0
Record Keeping System		<u> </u>		0.00	\$0	n/a	\$0
Training/Sampling		<u> </u>		0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs Other (as needed)		<del> </del>		0.00	\$0 \$0	n/a	\$0 \$0
Other (as needed)		<u></u>		1. 0.00	30		30
	. ,						Jan di Timbo
Notes for DELAVED costs				•		<u> </u>	
Notes for DELAYED costs						· .	
Avoided Costs	ANNUAL	IZE [1] avoided	costs before	_		or one-time avoid	
Avoided Costs Disposal	ANNUAL	IZE [1] avoided	costs before	0.00	\$0	\$0	\$0
Avoided Costs  Disposal  Personnel	ANNUAL	IZE [1] avoided	costs before	0.00	\$0 \$0	\$0 \$0	\$0 \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling	ANNUAL	IZE [1] avoided	costs before	0.00 0.00 0.00	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment	ANNUAL	IZE [1] avoided	costs before	0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling	ANNUAL \$100	IZE [1] avoided		0.00 0.00 0.00	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0

	ening Date			No. 2011-2234-PWS-E	PC
		United States Postal Service	2		Policy Revision 3 (September 2
	Case ID No.				PCW Revision August 3,
Reg. Ent. Re		Public Water Supply			
		Katy Schumann			
	ation Number				
	Rule Cite(s)		Admin Code 5 20	0 100(-)(4)(D)	
		30 Te	x. Admin. Code § 29	0.109(c)(4)(B)	
		Failed to collect raw grour	ndwater source Esche	erichia coli samples from ali	sources
Violatio	on Description	within 24 hours of being no the mo	tified of a distribution nths of August and S		ult during
				Base	e Penalty \$1,
>> Environme	ntal, Proper	r <mark>ty and Human Heal</mark> th Harm	Matrix	ii.	
	Release		Minor		
OR	Actual				
	Potential	x		Percent 15.0%	
>>Programma	Falsification	Major Moderate	Minor		
	raisincation	riajoi rioderate	<u> </u>	Percent 0.0%	
	<u></u>	<u>R</u>		0.070	
	Failure to per	form triggered source monit	oring could result in	persons served by the Faci	lity being
Matrix Notes		ignificant amounts of undetec			
Notes		o	f human health.		
				Adjustment	\$850
					\$
					ΨΨ
Violation Event	ts		1. 2. 4		
	Number of V	Violation Events 2	7	1 Number of violation	davia
	Number of v	Violation Events 2	6	Number of violation of	adys
		dally			
		weekly			
	mark only one	monthly x	]		
	with an x	quarterly		Violation Base	Penalty \$
		semiannual	4		
		annual single event	4		
			<u></u>		
		· · · · · · · · · · · · · · · · · · ·			
		Two monthly	events are recomme	ended.	
Coad Enith F#	sets to Cami	nh: 0.00	Reduction		
Good Faith Effo	orts to Com	Before NOV	NOV to EDPRP/Settleme	ent Offer	
		Extraordinary			
		Ordinary			
		N/A x	(mark with x)		
				the good faith criteria for	
		Notes The Respon	this violation	- 1	
				Violation	Subtotal \$3
Economic Bene	fit (EB) for	this violation		Statutory Limit	Test
	Estimate	ed EB Amount	\$50	Violation Final Pena	ity Total \$4
		Thie vi	olation Final Assess	sed Penalty (adjusted fo	r limits) \$4
		ting VII	Jiation Final Asses.	arry (uajusted 10	

nited States 3091 N101223675 ublic Water S		and the second seco		e de la companya de		OUTO PROCESSA PER FUEL CONTO CONSTRUCTOR E
ublic Water S						
	Supply					
	ania a San				Percent Interest	Years of Depreciation
Item Cost		Carrier Sa				1886 (1.15 <b>- 1</b> 886 (1886 (1886 ) 1.886 (1886 (1
Item Cost	Data Bassined	Final Date	Vice	Tatanaa Sanad	5.0 Onetime Costs	15 EB Amount
	F378	riiai Date	113	Interest Saveu	Oneume Costs	ED AINOUNL
io commas or \$	C.W.	3 (A)				
			0.00	¢Λ	<u> </u>	\$0
						\$0 \$0
						\$0
<del></del>						\$0
						\$0
		and the second			25.24.27.04.15.06.07.25.26.05.36.000048606500027874.25.00000000.3c.2700000	\$0
1.16						\$0
				\$0	n/a	\$0
nijen Ne		ese la				
		, Va 1 - 200, 200 - 11	1 0.00 I	\$0	n/a	
			0.00	\$0 \$0		\$0 \$0
					n/a	\$0
ANNUAL	IZE [1] avoided	costs before	0.00	\$0	n/a	\$0 \$0
ANNUAL	IZE [1] avoided	costs before	0.00	\$0	7/6 ₩/2	\$0 \$0
ANNUAL	IZE [1] avoided	costs before	0.00 enterir 0.00 0.00	\$0 ng item (except: \$0 \$0	for one-time avoid	\$0 \$0    ed costs   \$0   \$0
ANNUAL	IZE [1] avoided	costs before	0.00 enterir 0.00 0.00 0.00	\$0 ig item (except   \$0 \$0 \$0	for one-time avoid \$0 \$0 \$0 \$0	\$0 \$0 
ANNUAL	IZE [1] avoided	costs before	0.00 enterir 0.00 0.00 0.00 0.00	\$0 ng item (except: \$0 \$0 \$0 \$0	for one-time avoid \$0 \$0 \$0 \$0 \$0	\$0 \$0 
			0.00  nterir 0.00 0.00 0.00 0.00 0.00	\$0 ************************************	for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0   <b>ed costs)</b> \$0 \$0 \$0 \$0
ANNUAL \$50	IZE [1] avoided		0.00 enterir 0.00 0.00 0.00 0.00	\$0 ng item (except: \$0 \$0 \$0 \$0	for one-time avoid \$0 \$0 \$0 \$0 \$0	\$0 \$0 
				0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.0	0.00 \$0 0.00 \$0 0.00 \$0 0.00 \$0 0.00 \$0 0.00 \$0	0.00 \$0 \$0 \$0   \$0   \$0   \$0   \$0   \$0

Screening Date 6-Dec-2011 Docket No. 2011-2234-PWS-E	PCW
441-11 P. (a. 16) SERIE	3 (September 2011)
Reg. Ent. Reference No. RN101223675	sion August 3, 2011
Media [Statute] Public Water Supply	
Enf. Coordinator Katy Schumann	
Violation Number 3  Rule Cite(s)	
30 Tex. Admin. Code § 290.109(c)(2)(F)	
Violation Description Failed to collect at least five distribution coliform samples the month following a coliform-positive sample result for the month of September 2011.	
Base Penalty	\$1,000
>> Environmental, Property and Human Health Matrix  Harm	
Release Major Moderate Minor	
OR Actual	
Potential x Percent 15.0%	
>>Programmatic Matrix	
Falsification Major Moderate Minor	
Percent 0.0%	
Matrix Failure to properly sample may expose consumers to a significant amount of undetected  Notes contaminants that exceed levels protective of human health.	
Adjustment \$850	
	4150
<u>L</u>	\$150
Violation Events	***************************************
Number of Violation Events 1 30 Number of violation days	TO A COMPANIE A COMPAN
	ADDI ADDITION
daily	***************************************
monthly x	***************************************
mark only one with an x	\$150
semiannual	***************************************
annual single event	
One monthly event is recommended.	
One monthly event is recommended.	
Good Faith Efforts to Comply  Before NOV  Before NOV  NOV to EDPRP/Settlement Offer	\$0
Extraordinary Extraordinary	
Ordinary	***************************************
N/A x (mark with x)	***************************************
Notes The Respondent does not meet the good faith criteria for this violation.	
Violation Subtotal	\$150
Economic Benefit (EB) for this violation	
Estimated EB Amount \$100 Violation Final Penalty Total	\$242
This violation Final Assessed Penalty (adjusted for limits)	\$242

Item Description	1	Bollier and a	and the common of the contract of the		VII (1997)	Percent Interest	Depreciation
27.22	1					5.0	15
27.22		Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
	No commas or \$						
Delayed Costs_		(4) (2)			225.2		
Equipment	i i	1		0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	3840 - 3			0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land [				0.00	\$0	n/e	\$0
Record Keeping System				0.00	\$0	i nie	\$0
Training/Sampling		<u> </u>		0.00	\$0	y Na	\$0
Remediation/Disposal				0.00	\$0	17/6	\$0
Permit Costs		ļ		0.00	\$0	r nya	\$0
Other (as needed)		<u> </u>		0.00	\$0	n/a din	\$0
Notes for DELAYED costs							
	`						
Avoided Costs	ANNUAL	IZE [1] avoided	costs before			for one-time avoid	
Disposal	ANNUAL	IZE [1] avoided	costs before	0.00	\$0	\$0	\$0
Disposal Personnel	ANNUAL	IZE [1] avoided	costs before			\$0 \$0	
Disposal Personnel pection/Reporting/Sampling	E ANNUAL	IZE [1] avoided	costs before	0.00 0.00 0.00	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0
Disposal Personnel	ANNUAL	IZE [1] avoided	costs before	0.00	\$0 \$0	\$0 \$0	\$0 \$0
Disposal Personnel Personnel Pection/Reporting/Sampling Supplies/equipment	ANNUAL \$100	IZE [1] avoided	costs before of	0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0

#### Penalty Calculation Worksheet (PCW) Policy Revision 2 (September 2002) PCW Revision October 30, 2008 Assigned 21-Nov-2011 PCW 21-Dec-2011 Screening 6-Dec-2011 **EPA Due** 30-Sep-2011 RESPONDENT/FACILITY INFORMATION Respondent United States Postal Service Reg. Ent. Ref. No. RN101223675 Facility/Site Region 12-Houston Major/Minor Source Minor **CASE INFORMATION** Enf./Case ID No. 43091 No. of Violations 2 Docket No. 2011-2234-PWS-E Order Type Findings Media Program(s) Public Water Supply Government/Non-Profit Yes Multi-Media Enf. Coordinator Katy Schumann EC's Team Enforcement Team 2 Admin. Penalty \$ Limit Minimum Maximum Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penalties) \$1,800 Subtotal 1 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. **Compliance History** 61.0% Enhancement \$1,098 Enhancement for 11 NOVs with same/similar violations and three NOVs Notes with dissimilar violations. 0.0% Enhancement Subtotal 4 Culpability No \$0 Notes The Respondent does not meet the culpability criteria. Good Faith Effort to Comply Total Adjustments Subtotal 5 \$0 0.0% Enhancement\* Subtotal 6 \$0 **Economic Benefit** Total EB Amounts \*Capped at the Total EB \$ Amount \$272 Approx. Cost of Compliance SUM OF SUBTOTALS 1-7 Final Subtotal \$2,898 OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% \$0 Adjustment Reduces or enhances the Final Subtotal by the indicated percentage.

Final Penalty Amount

Adjustment

Final Assessed Penalty

Reduction

0.0%

\$2,898

\$2,898

\$2,898

\$0

Notes

Notes

PAYABLE PENALTY

STATUTORY LIMIT ADJUSTMENT

Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

No deferral is recommended for Findings Orders.

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

Screening Date 6-Dec-2011

**Docket No.** 2011-2234-PWS-E

Respondent United States Postal Service

Case ID No. 43091

Reg. Ent. Reference No. RN101223675

**Media [Statute]** Public Water Supply **Enf. Coordinator** Katy Schumann

NOVs to Convictions to Conviction to Convict	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)  Other written NOVs  Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)  Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission  Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)  Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government (number of NOV).	11 3 0	55% 6% 0% 0%
Orders  Orders  A  Judgments and Consent Decrees  Convictions	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)  Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission  Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)  Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Orders  Orders  A  Judgments and Consent Decrees  Convictions	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission.  Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria).  Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Judgments and Consent Decrees  Convictions	without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission  Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)  Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	
Judgments and Consent Decrees Convictions	denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)  Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government		0%
Decrees a a co	adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	1
Convictions	Any criminal convictions of this state or the federal government (number of		0%
Emissions C	counts)	o	0%
	Chronic excessive emissions events (number of events)	0	0%
Т.	Letters notifying the executive director of an intended audit conducted under the Fexas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
A	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
	Plea	se Enter Yes or No	
·  E	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
eat Violator (Si	Adjustment Perc	entage (Sub	total 2
N/A	Adjustment Perc	entage (Subi	total 3
	y Person Classification (Subtotal 7)		
Average Perf		entage (Subt	total 7
pliance History	y Summary		

Total Adjustment Percentage (Subtotals 2, 3, & 7) 61%

Screening Dat	e 6-Dec-2011 Docket No. 2011-2234-PWS-E	PCW
<ul> <li>In the control of the c</li></ul>		olicy Revision 2 (September 2002)
Case ID No		PCW Revision October 30, 2008
Reg. Ent. Reference No		
Enf. Coordinate	Public Water Supply  F Katy Schumann	
Violation Number		
Rule Cite(s	30 Tex. Admin. Code §§ 290.109(c)(2)(A)(i) and 290.122(c)(2)(B) and Tex	. Health
	& Safety Code § 341.033(d)	
	Failed to collect routine distribution water samples for coliform analysis for	or the
Violation Description	months of June 2010, October 2010 through January 2011, and July 201	
-	failed to provide public notification of the failure to collect routine samples months of June 2010 and October 2010 through January 2011.	for the
		<b>1</b> 000
	Base R	Penalty \$1,000
>> Environmental, Prop	erty and Human Health Matrix	
Releas	Harm e Major Moderate Minor	
OR Actu		
Potenti		
>>Programmatic Matrix Falsification	n Major Moderate Minor	
	Percent 0%	
Matriy II	collect water samples for coliform analysis could result in the persons served b	' 11
Notes Pacific Delin	g exposed to significant amounts of undetected contaminants that would excee protective of human health.	u ieveis
<u> </u>		
See See See	Adjustment	\$750
OCCUPATION AND ADDRESS OF THE ADDRES		\$250
Violation Events		
Number o	f Violation Events 6 184 Number of violation da	ys
TO ACCOUNT OF THE PARTY OF THE	daily	3
TO THE PROPERTY OF THE PROPERT	weekly	
	monthly x	
mark only one with an x	quarterly Violation Base P	Penalty \$1,500
operations and	semiannual annual	
· ·	single event	
F		
	Six monthly events are recommended.	
	Six monenty events are recommended.	
		\$0
Good Faith Efforts to Con	nply 0.0% Reduction  Before NOV NOV to EDPRP/Settlement Offer	\$0
A PARTICIPATION AND A PART	Extraordinary	
TO A A A A A A A A A A A A A A A A A A A	Ordinary	
	N/A x (mark with x)	
	The Respondent does not meet the good faith criteria for	
	Notes this violation.	
	Violation Su	ubtotal \$1,500
Economic Benefit (EB) fo	r this violation	est 🖟 🔻
Fetim	ated EB Amount \$196 Violation Final Penalty	y Total \$2,415
	<u></u>	
	This violation Final Assessed Penalty (adjusted for	limits) \$2,415

g. Ent. Reference No. Media Violation No.	Public Water S						
		Comments of					
Violation No.		ирріу				Percent Interest	Years of
	1					reitent Interest	Depreciation
		2000 2006				5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description							
		THE STATE OF THE S					
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	Sn/a:	\$0
Record Keeping System				0.00	\$0	in/a	\$0
Training/Sampling			1 1 1	0.00	\$0	∷n/a t	\$0
Remediation/Disposal		1.7		0.00	\$0	n/a	\$0
Permit Costs	ures difference	86 4 BW		0.00	\$0	i n/a	\$0
Other (as needed)	\$100	7-Nov-2011	1-May-2012	0.48	\$2	n/a · · · · · ·	\$2
Notes for DELAYED costs						ol to ensure all nece	
Notes for DELAYED costs			imely manner.	The dat		late of the record re	
Notes for DELAYED costs  Avoided Costs	notifications a	re provided in a t	imely manner. date is the est	The dat imated	e required is the o	late of the record re	view. The final
	notifications a	re provided in a t	imely manner. date is the est	The dat imated	e required is the order of compliance of compliance of compliance of the compliance	late of the record re e.	view. The final
Avoided Costs Disposal Personnel	notifications a	re provided in a t	imely manner. date is the est	The dat imated enterin 0.00	te required is the of date of compliance of tem (except   \$0	tate of the record re e. for one-time avoid \$0 \$0	view. The final
Avoided Costs Disposal Personnel pection/Reporting/Sampling	notifications a	re provided in a t	imely manner. date is the est	The dat imated enterin 0.00 0.00	te required is the condition of the date of compliance of the date	date of the record rele.  for one-time avoid \$0 \$0 \$0	view. The final
Avoided Costs Disposal Personnel pection/Reporting/Sampling Supplies/equipment	notifications a	re provided in a t	imely manner. date is the est	nterin 0.00 0.00 0.00 0.00	te required is the condition of compliance in the compliance is a second	date of the record ree.  For one-time avoid \$0 \$0 \$0 \$0	ted costs
Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	notifications a	re provided in a t	imely manner. date is the est costs before	enterin 0.00 0.00 0.00 0.00 0.00	te required is the condition of compliance is the compliance is the compliance is the compliance is the condition of condit	date of the record rese.  for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment	notifications a	re provided in a t	imely manner. date is the est	nhe dat imated 0.00 0.00 0.00 0.00 0.00 0.00	te required is the condition of compliance in the compliance is a second	date of the record ree.  For one-time avoid \$0 \$0 \$0 \$0	ted costs

Dispusion recognition and a series of the country o	ening Date			<b>ket No.</b> 2011-2234-PWS-E		PCW
[17] A. Maria, Proceedings and Communication		United States Postal Se	ervice			n 2 (September 2002)
I to the time and the terminal content of the second secon	ase ID No.				PCW Rev	ision October 30, 2008
Reg. Ent. Ref		Public Water Supply				
		Katy Schumann				
	tion Number	2				
	Rule Cite(s)	20 To	Admin Codo S 200	110(a)(4)(A) and (f)(2)		
		30 Te.	x. Admin. Code 9 290	.110(e)(4)(A) and (f)(3)		200
Violation	n Description	Executive Director each the quarter. Specification	ch quarter by the ten ally, at the time of the	erly Operating Report ("DLQO th day of the month following e record review, it was docume the fourth quarter of 2010 the er of 2011.	the end of ented that	
***				Bas	e Penalty	\$1,000
_						
>> Environmen	ital, Propei	<b>ty and Human He</b> Hai		i i		
	Release	Major Mode				
OR	Actual				_	
	Potential			Percent 0%		
>>Programmal	Falsification	Major Mode	rate Minor			
	T districation	x I	1111101	Percent 10%		
_					!	
Matrix Notes		100% of	the rule requirement	was not met.		***************************************
Hotes	14					
					#000l	***************************************
				Adjustment	\$900]	***************************************
***************************************						\$100
Violation Event	_					***************************************
AIDIBUON EVENU	<b>&gt;</b>					***************************************
	Number of	/iolation Events 3		272 Number of violation	days	About various
	mark only one with an x	daily weekly monthly quarterly semiannual annual single event		Violation Bas	e Penalty	\$300
				4		
		Three qu	arterly events are rec	commended.		
	<u> </u>					and the second s
<b>Good Faith Effo</b>	rts to Com		0.0% Reduction	¥		\$0
		Before	NOV NOV to EDPRP/Set	ttlement Offer		
		Extraordinary				
		Ordinary	(			
		N/A  <u>×</u>	(mark with x)			
		Notes The Re		eet the good faith criteria for olation.		***************************************
				Violation	Subtotal	\$300
	Et/FD\f	****				4500
Economic Bene		this violation		Statutory Limit		
****	Estimat	ed EB Amount	\$75	Violation Final Pen	alty Total	\$483
		Th	is violation Final As	ssessed Penalty (adjusted f	or limits)	\$483

	E	conomic	Benefit	Wo	rksheet		
Respondent Case ID No.	United States		180 - 180 - 180 - 180 - 180 - 180 - 180 - 180 - 180 - 180 - 180 - 180 - 180 - 180 - 180 - 180 - 180 - 180 - 180				
Reg. Ent. Reference No.	RN101223675						
Media	Public Water S	Supply				Percent Interest	Years of
Violation No.	2					Percent Interest	Depreciation
		ê:	100			5.0	15
	Item Cost	<b>Date Required</b>	Final Date	Vrc	Interest Saved		EB Amount
Item Description						• · · · · · · · · · · · · · · · · · · ·	
Item Description	NO COMITIAS OF \$			aeter il			
D-1 1 6			San Selection - Contraction				
Delayed Costs		r -		1000	+0		<u> </u>
Equipment Buildings				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Other (as needed)	100			0.00	\$0 \$0	\$0	\$0 \$0
Engineering/construction			<del></del>	0.00	\$0 \$0	\$0 \$0	\$0 \$0
Land				0.00	\$0 \$0	n/a	\$0 \$0
Record Keeping System	\$45	7-Nov-2011	1-May-2012		\$1	n/a 😘	\$1
Training/Sampling	\$100	7-Nov-2011	1-May-2012		\$2	n/a Se	\$2
Remediation/Disposal				0.00	\$0	n/a He	\$0
Permit Costs	-/			0.00	\$0	n/a 🕏	\$0
Other (as needed)	K (	1		0.00	+0		
	The delayed	costs include the	estimated cost	to upo	\$0 late the Facility's o	n/a pperational guidance	\$0 and conduct
Notes for DELAYED costs	employee to timely subm	aining to ensure t ittal of signed and the	that self-reporti certified quart final date is the	to upo ng requ erly DL e estim	ate the Facility's o direments are prop QORs. Date requir ated date of comp	perational guidance perly accomplished, i ed is the record revi liance.	and conduct ncluding the ew date, and
, -	employee to timely subm	aining to ensure t ittal of signed and the	that self-reporti certified quart final date is the	to upo ng requerly DL e estim	ate the Facility's of uirements are prop QORs. Date requir ated date of comp of item (except)	perational guidance perly accomplished, i ed is the record revi iliance. for one-time avoid	and conduct including the ew date, and ed costs)
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Avoided Costs Disposal Personnel spection/Reporting/Supplies/equipment Financial Assurance [2]	employee tr timely subm	aining to ensure to ittal of signed and the	that self-reporti certified quart final date is the costs before	to upd ng requerly DL e estim enterin 0.00 0.00 0.00 0.00	ate the Facility's curements are proposed. Date requirated date of compartem (except \$0 \$0 \$0 \$0 \$0 \$0 \$0	perational guidance perly accomplished, i ed is the record revi liance. for one-time avoid \$0 \$0 \$0 \$0	and conduct including the ew date, and  ed costs) \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	employee to timely subm	aining to ensure t ittal of signed and the	that self-reporti certified quart final date is the costs before	to upd ng requerly DL e estimenterir 0.00 0.00 0.00 0.00 1.41	ate the Facility's curements are proposed. Date requirated date of comping item (except \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$5	perational guidance perly accomplished, is the record revisional guidance.  for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	and conduct including the ew date, and ed costs)  \$0 \$0 \$0 \$0 \$0 \$0 \$70 \$0 \$70 \$70
Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	employee tr timely subm	aining to ensure to ittal of signed and the	that self-reporti certified quart final date is the costs before	to upd ng requerly DL e estim enterin 0.00 0.00 0.00 0.00	ate the Facility's curements are proposed. Date requirated date of compartem (except \$0 \$0 \$0 \$0 \$0 \$0 \$0	perational guidance perly accomplished, i ed is the record revi liance. for one-time avoid \$0 \$0 \$0 \$0	and conduct including the ew date, and  ed costs) \$0 \$0 \$0 \$0 \$0
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#### Compliance History

Customer/Respondent/Owner-Operator:

CN601245400

United States Postal Service

Classification: AVERAGE

Rating: 3.61

Regulated Entity:

RN101223675

US POST OFFICE SPRING

Classification:

Site Rating:

ID Number(s):

PUBLIC WATER SYSTEM/SUPPLY

REGISTRATION

1012405

Location:

WATER LICENSING 1411 WUNSCHE LOOP, SPRING, HARRIS COUNTY, TEXAS

LICENSE

1012405

TCEQ Region:

**REGION 12 - HOUSTON** 

Date Compliance History Prepared:

December 05, 2011

Agency Decision Requiring Compliance History: Enforcement

Compliance Period:

December 05, 2006 to December 05, 2011

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name:

Katy Schumann

Phone:

(512) 239-2602

#### **Site Compliance History Components**

1. Has the site been in existence and/or operation for the full five year compliance period?

YES

2. Has there been a (known) change in ownership/operator of the site during the compliance period?

NO

3. If Yes, who is the current owner/operator?

N/A

4. If Yes, who was/were the prior owner(s)/operator(s)? 5. When did the change(s) in owner or operator occur? N/A N/A

#### Components (Multimedia) for the Site:

Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

Chronic excessive emissions events. C.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

> 1 07/17/2008 (685111)

> 2 12/09/2009 (767445)

> 3 03/21/2011 (906191)

> 4 03/23/2011 (906707)

> 5 03/23/2011 (906715)

> 6 03/23/2011 (906794)

> 7 10/03/2011 (943163)

> 8 08/16/2011 (948662)

> 9 08/16/2011 (965085)

10 11/08/2011 (965096)

11 11/08/2011 (965104)

12 08/16/2011 (965118)

13 11/18/2011 (965120)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 07/09/2008

(685111)

CN601245400

Self Report? NO

Classification: Moderate

Citation:

30 TAC Chapter 290, SubChapter D 290.41(c)(1)

30 TAC Chapter 290, SubChapter D 290.41(c)(1)(C)

Description:

Failure to locate ground water sources so there will be no danger of pollution

from insanitary surroundings.

Date: 12/02/2009 (767445) CN601245400

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)

30 TAC Chapter 290, SubChapter D 290.41(c)(1)(C)

Description: Failure to locate ground water sources so there will be no danger of pollution

from insanitary surroundings.

Date: 07/23/2010 (948662) CN601245400

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)

Description: TCR Routine Monitoring Violation 06/2010 - Failure to collect any routine

monitoring sample(s).

Date: 12/07/2010 (906191) CN601245400

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)

Description: TCR Routine Monitoring Violation 10/2010 - Failure to collect any routine

monitoring sample(s).

Date: 01/04/2011 (906707) CN601245400

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)

Description: TCR Routine Monitoring Violation 11/2010 - Failure to collect any routine

monitoring sample(s).

Date: 02/11/2011 (906715) CN601245400

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)

Description: TCR Routine Monitoring Violation 12/2010 - Failure to collect any routine

monitoring sample(s).

Date: 03/10/2011 (906794) CN601245400

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)

Description: TCR Routine Monitoring Violation 01/2011 - Failure to collect any routine

monitoring sample(s).

Date: 07/13/2011 (906715) CN601245400

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)

Description: TCR PN Routine Monitoring Violation 12/2010 - Failure to post public notice for not

collecting any routine monitoring sample(s).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)

Description: TCR PN Routine Monitoring Violation 11/2010 - Failure to post public notice for not

collecting any routine monitoring sample(s).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)

Description: TCR PN Routine Monitoring Violation 01/2011 - Failure to post public notice for not

collecting any routine monitoring sample(s).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)

Description: TCR PN Routine Monitoring Violation 10/2010 - Failure to post public notice for not

collecting any routine monitoring sample(s).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)

Description: TCR PN Routine Monitoring Violation 06/2010 - Failure to post public notice for not

collecting any routine monitoring sample(s).

Date: 08/16/2011 (965118) CN601245400

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)

30 TAC Chapter 290, SubChapter F 290.110(f)(2)

30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: This system failed to monitor and/or failed to report distribution disinfectant

residuals to the TCEQ for the fourth quarter of 2010.

Date: 08/16/2011 (965085) CN601245400

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A) 30 TAC Chapter 290, SubChapter F 290.110(f)(2)

30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: This system failed to monitor and/or failed to report distribution disinfectant

residuals to the TCEQ for the first quarter of 2011.

Date: 09/09/2011 (965096) CN601245400

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)

Description: TCR Routine Monitoring Violation 07/2011 - Failure to collect any routine

monitoring sample(s).

Date: 09/30/2011 (943163) CN601245400

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(4)

Description: Failure to maintain the residual disinfectant concentration in the far reaches of

the distribution system at a minimum of 0.2 mg/L free chlorine as per agency

regulations.

Self Report? NO Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)

Description: Failure by the regulated entity to be under the direct supervision of licensed

water works operator at all times.

Self Report? NO Classification: Mino

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)

Description: Failure to properly maintain the regulated entity by not cleaning and repainting the

well head.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(N)

Description: Failure to install a flow meter on the well pump discharge line

Date: 10/05/2011 (965104) CN601245400

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(4)(B)

Description: GWR Triggered Source Monitoring Violation 08/2011 - Failure to collect any

triggered source monitoring sample(s) following a coliform found result for 1

source.

Date: 10/06/2011 (965104) CN601245400

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(3)(A)(ii)

Description: TCR Repeat Monitoring Violation 08/2011 - Failure to collect any repeats following

a coliform found result.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
UNITED STATES POSTAL SERVICE	§	
RN101223675	§	ENVIRONMENTAL QUALITY

#### AGREED ORDER DOCKET NO. 2011-2234-PWS-E

At its	agenda, the Texas Commission on Environmental Quality
("the Commission" or "T	CEQ") considered this agreement of the parties, resolving ar
enforcement action regardi	ing the United States Postal Service ("the Respondent") under the
authority of TEX. HEALTH &	SAFETY CODE ch. 341. The Executive Director of the TCEQ, through
	and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

#### I. FINDINGS OF FACT

1. The Respondent owns and operates a public water supply at 1411 Wunsche Loop in Spring, Harris County, Texas (the "Facility") that has one service connection and serves at least 25 people per day for at least 60 days per year.

- 2. During a record review conducted on November 7, 2011, TCEQ staff documented that the Respondent did not collect routine distribution water samples for coliform analysis for the months of June 2010, October 2010 through January 2011, and July 2011 and failed to provide public notification of the failure to collect routine samples for the months of June 2010 and October 2010 through January 2011.
- 3. During a record review conducted on November 7, 2011, TCEQ staff documented that the Respondent did not submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the Executive Director each quarter by the tenth day of the month following the end of the quarter. Specifically, at the time of the record review, it was documented that the Respondent did not submit DLQORs for the fourth quarter of 2010 through the second quarter of 2011.
- 4. During a record review conducted on November 7, 2011, TCEQ staff documented that the Respondent did not collect a set of repeat distribution coliform samples within 24 hours of being notified of a total coliform-positive result on a routine distribution coliform sample collected during the month of August 2011.
- 5. During a record review conducted on November 7, 2011, TCEQ staff documented that the Respondent did not collect raw groundwater source *Escherichia coli* samples from all sources within 24 hours of being notified of a distribution total coliform-positive result during the months of August and September 2011.
- 6. During a record review conducted on November 7, 2011, TCEQ staff documented that the Respondent did not collect at least five distribution coliform samples the month following a coliform-positive sample result for the month of September 2011.
- 7. The Respondent received notice of the violations on or about November 23, 2011.

#### II. CONCLUSIONS OF LAW

- 1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Commission.
- 2. As evidenced by Findings of Fact No. 2, the Respondent failed to collect routine distribution water samples for coliform analysis and failed to provide public notification of the failure to collect routine samples, in violation of 30 Tex. ADMIN. CODE §\$ 290.109(c)(2)(A)(i) and 290.122(c)(2)(B) and Tex. Health & Safety Code § 341.033(d).
- 3. As evidenced by Findings of Fact No. 3, the Respondent failed to submit a DLQOR to the Executive Director each quarter by the tenth day of the month following the end of the quarter, in violation of 30 Tex. Admin. Code § 290.110(e)(4)(A) and (f)(3).
- 4. As evidenced by Findings of Fact No. 4, the Respondent failed to collect a set of repeat distribution coliform samples within 24 hours of being notified of a total coliform-

positive result on a routine distribution coliform sample collected, in violation of 30 Tex. ADMIN. CODE § 290.109(c)(3)(A)(ii).

- 5. As evidenced by Findings of Fact No. 5, the Respondent failed to collect raw groundwater source *Escherichia coli* samples from all sources within 24 hours of being notified of a distribution total coliform-positive result, in violation of 30 Tex. ADMIN. CODE § 290.109(c)(4)(B).
- 6. As evidenced by Findings of Fact No. 6, the Respondent failed to collect at least five distribution coliform samples the month following a coliform-positive sample result, in violation of 30 Tex. Admin. Code § 290.109(c)(2)(F).
- 7. Pursuant to Tex. Health & Safety Code § 341.049, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
- 8. An administrative penalty in the amount of Three Thousand Eight Hundred Sixty-Four Dollars (\$3,864) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in Tex. Health & Safety Code § 341.049(b). The Respondent has paid the Three Thousand Eight Hundred Sixty-Four Dollar (\$3,864) administrative penalty.

#### III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Three Thousand Eight Hundred Sixty-Four Dollars (\$3,864) as set forth in Section II, Paragraph 8 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: United States Postal Service, Docket No. 2011-2234-PWS-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

2. The Respondent shall undertake the following technical requirements:

- a. Within 10 days after the effective date of this Agreed Order, begin complying with applicable coliform monitoring requirements by collecting routine coliform distribution samples and providing water that meets the provisions regarding microbial contaminants, in accordance with 30 Tex. ADMIN. CODE § 290.109. This provision will be satisfied upon six months of compliant monitoring and reporting.
- b. Within 30 days after the effective date of this Agreed Order:
  - i. Implement procedures to ensure all necessary public notifications are provided in a timely manner to the customers of the Facility, in accordance with 30 Tex. ADMIN. CODE § 290.122; and
  - ii. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of signed and certified DLQORs, in accordance with 30 TEX. ADMIN. CODE § 290.110.
- c. Within 45 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.e., and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.b.
- d. Within 90 days after the effective date of this Agreed Order, begin submitting DLQORs to the Executive Director each quarter by the tenth day of the month following the end of the quarter, in accordance with 30 Tex. Admin. Code § 290.110. This provision will be satisfied upon two consecutive quarters of compliant reporting. DLQORs shall be submitted to:

DLQOR Coordinator Water Supply Division, MC 155 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

e. Within 195 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a. and 2.d. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false

information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team Enforcement Division, MC 149A Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

with a copy to:

Public Water Supply Section Manager Water Supply Division, MC 155 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

- 3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 5. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
- 6. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be

copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under Tex. Bus. Org. Code § 1.002.

9. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 Tex. Admin. Code § 70.10(b) and Tex. Gov't Code § 2001.142.

For the Commission

# SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Executive Director	12/21/12
For the Executive Director	Date
the United States Postal Service and do	stand the attached Agreed Order in the matter of the ized to agree to the attached Agreed Order on behalf of agree to the specified terms and conditions. I furthed payment for the penalty amount, is materially relying
addressed by this Agreed Order, notice of hearing, and the right to appeal I agr	greed Order, the United States Postal Service waive not limited to, the right to formal notice of violation of an evidentiary hearing, the right to an evidentiar ree to the terms of the Agreed Order in lieu of a der constitutes full and final adjudication by the his Agreed Order.
<ul> <li>A negative impact on compliance his Greater scrutiny of any permit applies.</li> <li>Referral of this case to the Attorned additional penalties, and/or attorned increased penalties in any future en Automatic referral to the Attorney and</li> <li>TCEO seeking other relief as authorned.</li> </ul>	istory; ications submitted; ney General's Office for contempt, injunctive relief by fees, or to a collection agency; iforcement actions; General's Office of any future enforcement actions; ived by leve
In addition, any falsification of any complia	ance documents may result in criminal prosecution.
Abolin 17 1	
Signature	Date
Michael R. Kiug  Name (Printed or typed)  Authorized Representative of  United States Postal Service	Postuaster Title
Instructions: Send the original, signed Agreed Orde Division, Revenues Section at the add	er with penalty payment to the Financial Administration ress in Section III, Paragraph 1 of this Agreed Order.